

Attorney Docket No. 87082/AJA

Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Inventor(s):

Hwei-Ling Yau, et al.

Group Art Unit: 1794

Examiner: Betelhem

Shewareged

INKJET RECORDING  
ELEMENT AND METHOD

Serial No.: 10/795,836

Filed: March 08, 2004

Commissioner for Patents

Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER RULE 131**

We, **Hwei-Ling Yau** and **Wendy S. Krzemien**, state that we are the joint inventors of the claimed subject matter of the above-captioned patent application, herein referred to as the invention.

All obviousness rejections set forth in the outstanding Office action are based on Gallo et al, US 2003/0107636 as the primary reference, which reference was published June 12, 2003.

Prior to June 12, 2003, and at the time the invention occurred, we were both employees of the Eastman Kodak Company in Rochester, New York. The invention was conceived of and actually reduced to practice in the United States of America, prior to June 12, 2003. This is demonstrated by the attached Exhibits A, B, C and D.

The attached Exhibits A, B, and C are pages from the laboratory notebook of co-inventor, Wendy S. Krzemien, which pages are dated prior to June 12, 2003, and witnessed. Exhibit A, notebook page 131, discusses the preparation of samples with fusible coatings for testing.

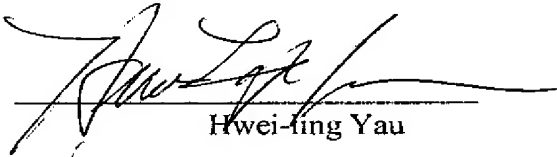
Exhibit B, notebook page 160, describes coating set "3165" which describes the coating of fusible coated samples that correspond to many of the examples in the present patent application. Such samples were sent immediately

for swelling test typically within a day of coating and were sent for incubation and print quality, the results of which are reported in tabular Exhibit D, dated prior to June 12, 2003.

Exhibit C, notebook page 165, describes coating set "3200" which describes the coating of fusible coated samples that correspond to many of the examples in the present patent application. Such samples were sent immediately for swelling test typically within a day of coating and were sent for incubation and print quality, the results of which are reported in tabular Exhibit D, dated prior to June 12, 2003.

Exhibit D is a tabulation of the results of testing of data sets "3165" and "3200", dated prior to June 12, 2003. For convenience, the corresponding Example numbers in the application tables at pages 17 and 19 of the application have been added to the data lines of Exhibit D in circles where appropriate, so that the Examiner can verify that the values for the data in the samples of these exhibits correspond to the Examples in the application, and thus the invention results were appreciated and in the possession of the inventors prior to June 12, 2003.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 21 APR. 09   
Hwei-fing Yau

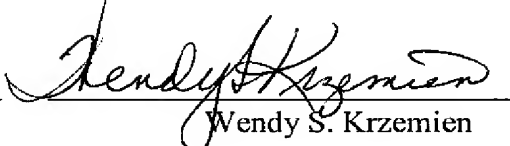
Date: 16 APR 09   
Wendy S. Krzemien

Exhibit A

## RESEARCH / DEVELOPMENT

EASTMAN KODAK COMPANY

Notebook No.

CC0027

PAGE  
131

Date

Problem:

8220

1873

Qty. Date  
 Sample #  
 Change number: 700-0220  
 Support: 69P1-77 Class Ester  
 Finish: 30 R each

5S-1873	Material	Qty.	Wet Load	Wet Preparation
Mat. No.	Comp. (g/g)	cc/2	cc/2	cc/2
1	150.0 Gd-6 75.0 Kd-6 375.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	15.00 0.04 0.13 0.25 0.80
2	250.0 Gd-6 75.0 Kd-6 275.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	25.00 0.04 0.25 0.25 0.80
3	150.0 Gd-6 75.0 Kd-6 375.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	15.00 0.04 0.13 0.25 0.80
4	250.0 Gd-6 75.0 Kd-6 275.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	25.00 0.04 0.25 0.25 0.80
5	150.0 Gd-6 75.0 Kd-6 375.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	15.00 0.04 0.13 0.25 0.80
6	250.0 Gd-6 75.0 Kd-6 275.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	25.00 0.04 0.25 0.25 0.80
7	150.0 Gd-6 75.0 Kd-6 375.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	15.00 0.04 0.13 0.25 0.80
8	250.0 Gd-6 75.0 Kd-6 275.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	25.00 0.04 0.25 0.25 0.80
9	150.0 Gd-6 75.0 Kd-6 375.0 W-213 7.5 BVSM 6.0 100	15.00% 14.00% 30.00% 1.80% 10.00%	8.00	15.00 0.04 0.13 0.25 0.80

10	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	526.42 146.24 35.00	-2.86
11	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-3.79
12	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-3.25
13	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-3.81
14	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-3.81
15	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
16	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
17	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
18	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
19	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
20	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
21	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81
22	300.0 Emulsion (K4), 750 nm, California SL 40.0 Zonyl FSN	DEP103185A White FAC-0029	51.20% 33.70% 10.90%	8.00	70.19 21.38 0.69	-2.81

- (1) Print CC0027-127 (K4) and CC0027-105 (K1) on 5S1873-10 --> -22 from Canon S750 printer, fuse and send for dark keeping 1W/38C/90%RH.
- (2) Print CC0027-127 (K4) and CC0027-105 (K1) on 5S1873-10 --> -22 from Canon S750 printer, fuse and send for dark keeping 1W/38C/80%RH.
- (3) for 5S1873-10 --> -22, fuse at the following condition using 1-inch samples:  
 300F/0.5 ips/60psi  
 280F/0.5 ips/60psi  
 280F/0.5 ips/30psi  
 and if 280F/0.5 ips/30psi show haziness, fuse another set at 280F/0.3 psi/30 psi.
- (4) Ask Butch to load CC0027-105-K1-->K4 in bk, cyan, magenta, yellow cartridges of Epson 880 print print skull picture on 5S1873-10, fuse and check on density in Dmax area. If density is up in 3.0 range, print on -11 to -22.
- (5) repeat (4) using CC0027-127 inks.

Signature

Witness

KP 15236-6/00

The foregoing disclosed to me on

• Notebook №

Date \_\_\_\_\_

### Problem:

City: Dallas  
 Safelight: White  
 Charge number:  
 Support: 8041-77 & Cytosol (Day/Night support)  
 Exhibit: 8041-77

SP-1545	Half Size	Composition (mg/100)	Material	GR%	Wet Load (oz/ft <sup>2</sup> )
1	250.0 Gm-4 180.0 XaOy 430.0 W-213 6.0 BVSM 6.6 IGG		Gel-0628 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.00
2	255.5 Gm-4 188.0 XaOy 470.0 W-213 6.6 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.50
3	200.0 Gm-4 100.0 XaOy 300.0 W-213 6.6 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.00
4	200.0 Gm-4 100.0 XaOy 300.0 W-213 12.6 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.00
5	300.0 Gm-4 100.0 XaOy 500.0 W-213 6.0 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.00
6	280.0 Gm-4 0.0 XaOy 660.0 W-213 6.6 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.00
7	300.0 Gm-4 0.0 XaOy 600.0 W-213 6.6 BVSM 6.6 IGG		Gel-0606 Witco MAR-3178 FAC-0555	11.88% 14.90% 36.00% 1.88% 10.00%	7.50
8	280.0 PVA-60 (WO-320) 100.0 XaOy 500.0 W-213 20.0 DHD 6.6 IGG		Nippon Ghose Witco FAC-0555	9.98% 14.90% 36.00% 10.00%	7.00
9	250.0 PVA-60 (WO-320) 100.0 XaOy 450.0 W-213 20.0 DHD 6.6 IGG		Nippon Ghose Witco FAC-0555	9.98% 14.90% 36.00% 10.00%	7.50

Run No.	Sample Description (mg/g)	Extraction solvent	Yield (%)	Yield Loss (%)
10	300.0 PVA-EO (WO-325) 0.0 ZnO 400.0 W-213 20.0 DHD 0.0 100	Nippon Chemical Wako FAC-0555	8.80% 14.80% 16.60% 10.20%	7.00
11	300.0 PVA-EO (WO-325) 0.0 ZnO 400.0 W-213 20.0 DHD 0.0 100	Nippon Chemical Wako FAC-0555	8.80% 14.80% 16.60% 10.20%	7.00
12	250.0 PVA-EO (WO-325) 0.0 ZnO 500.0 W-213 20.0 DHD 0.0 100	Nippon Chemical Wako FAC-0555	8.80% 14.80% 30.00% 10.00%	7.00
13	250.0 PVA-EO (WO-325) 0.0 ZnO 600.0 W-213 20.0 DHD 0.0 100	Nippon Chemical Wako FAC-0555	8.80% 14.80% 30.00% 10.00%	7.00
14	300.0 Gel-S 0.0 ZnO 500.0 W-213 0.0 BVSIM 0.0 100	gel-S Wako HAR-3179 FAC-0555	14.80% 14.80% 1.80% 10.00%	4.00
15	250.0 Gel-S 0.0 ZnO 500.0 W-213 0.0 BVSIM 0.0 100	gel-S Wako HAR-3179 FAC-0555	14.80% 14.80% 1.80% 10.00%	6.00
16	300.0 Gel-S 0.0 ZnO 500.0 W-213 0.0 BVSIM 0.0 100	gel-S Wako HAR-3179 FAC-0555	14.80% 14.80% 1.80% 10.00%	3.00
17	300.0 Gel-S 100.0 ZnO 500.0 W-213 0.0 BVSIM 0.0 100	gel-S Wako HAR-3179 FAC-0555	14.80% 14.80% 20.00% 1.80%	
18	200.0 Gel-S 100.0 ZnO 500.0 W-213 10.0 BVSIM 0.0 100	gel-S Wako HAR-3179 FAC-0555	14.80% 14.80% 1.80% 10.00%	6.00
19	300.0 Gel-S (80/5, 75/5 wt, DMSO) 175.0 W-325 2.5 G-PG-co-ordinated dimethyl sil 20.0 DMSO, PSN	GDH-75 Wako Gompo Polymer FAC-0555	49.84% 34.50% 50.00% 60.00%	6.00

[illegible]

1000 = 380C / 90% 1W <sup>sub</sup> 1100  
2000 = 380C / 80% 1W  
3000 = 1W 5ppm Ozone Chamber  
4000 = 1W H1D

100 = Canon LC-2200  
200 = Epson 1280 CC0250-15B

Cpl. Date: [REDACTED]  
 Subject: [REDACTED]  
 Charge(s): 20B121  
 Report: 88F1-77, Category: Daylight support  
 Dyer Rating: no display error  
 Location: 1000-300 display below  
 Finish: handle

- Change threading in the conditioning section (following chiller) to minimize vertical conveyances.
- Adjust air pressure to residual in chiller (5 on manual is close for starters).
- Keep Aqueous at 40°C.
- ALL coating dispensers CLOSED.
- Turn EDT on to cool both Passes.
- Take run in-between zones between liquid in aqueous dry layer and 470.
- Start displacement pump for Run Cond.

[illegible]

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KP 15226-6/00

**Signature**

The foregoing disclosed to me on

Witness



# Exhibit D

55-3165	Base Layer (mg/12)	Material source	Feasible Layer (mg/12)	Material source	Ctg Quality	swell of bottom layer (ml)	swell of bottom layer (mm)	wt of water being absorbed by 1 flz of coating	swell of water/dry layer	cracks	Image quality Epson 820	stain resistance 5 min. Poncau red	Visual test 6.16 mm
1	230.0 Gel-4 100.0 XcDy 450.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	3800.0 Emilen (P/S), 763 mm, Calypso 575.0 W-320 25.0 GP-50-A(modified dimethyl silico 20.0 Zanyl FSN	COO125-76 Wico Denacase Polymer FAC-0029	some cracks not very obvious	0.28	7.112	0.65	0.816	1	almost no bleed	no stain very faint haze	fair
2	225.0 Gel-4 100.0 XcDy 475.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.2	6.08	0.47	0.883	-1	no bleed	no stain very faint haze	fair
3	200.0 Gel-4 100.0 XcDy 500.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.14	3.566	0.33	0.628	-3	almost no bleed	no stain very faint haze	fair
4	220.0 Gel-4 100.0 XcDy 508.0 W-213 13.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.17	4.238	0.40	0.636	-1	no bleed	no stain slight haze	fair
5	303.0 Gel-4 500.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.16	4.064	0.37	0.486	-1	very slight bleed	no stain slight haze	
6	290.0 Gel-4 550.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.28	5.842	0.54	0.670	-1	very slight bleed	no stain slight haze	
7	200.0 Gel-4 600.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		no cracks some air bubbles	0.44	11.178	1.03	1.283		very slight bleed	no stain slight haze	
8	200.0 PVA-EO (WO-320) 100.0 XcDy 500.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		appears to be flow after coating	0.23	5.842	0.64	0.870	-1	very slight bleed some small cracks harder than gel	light stain hazy	
9	250.0 PVA-EO (WO-320) 100.0 XcDy 450.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		appears to be flow after coating	0.23	5.842	0.64	0.670	-1	very slight bleed some small cracks slightly harder than gel	light stain hazy	
10	300.0 PVA-EO (WO-320) 100.0 XcDy 408.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		some cracks not very obvious	0.41	10.414	0.96	1.195	1	very slight bleed lots of small cracks	light stain hazy	
11	303.0 PVA-EO (WO-320) 500.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		cracks not very obvious	0.3	7.82	0.70	0.874	1	very slight bleed lots of small cracks	light stain hazy	
12	250.0 PVA-EO (WO-320) 550.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		appears to be flow after coating	0.27	5.858	0.63	0.787		very slight bleed some small cracks	light stain hazy	
13	200.0 PVA-EO (WO-320) 500.0 W-213 20.0 DHD 6.0 10G	Wico FAC-0555	as O1		appears to be flow after coating	0.26	6.604	0.61	0.786		very slight bleed some small cracks	very light stain hazy	
14	300.0 Gel-5 500.0 W-213 6.0 BVSM 6.0 10G	Gel-55 Wico HAR-3179 FAC-0555	as O1		some cracks	0.4	10.16	0.93	1.185	1	very slight bleed some small cracks	very light stain hazy	fair
15	250.0 Gel-5 550.0 W-213 6.0 BVSM 6.0 10G	Gel-55 Wico HAR-3179 FAC-0555	as O1		very mild cracks air bubbles	0.24	6.096	0.66	0.700	1	slight bleed	very light stain hazy	fair
16	200.0 Gel-5 500.0 W-213 6.0 BVSM 6.0 10G	Gel-55 Wico HAR-3179 FAC-0555	as O1		some air bubbles no cracks	0.19	4.826	0.44	0.664	-1	slight bleed some crack on sides	almost no stain hazy	fair
17	200.0 Gel-5 100.0 XcDy 500.0 W-213 6.0 BVSM 6.0 10G	Gel-55 Wico HAR-3179 FAC-0555	as O1		cracks not obvious air bubbles	0.3	7.62	0.70	0.874	1	slight bleed some crack on sides	almost no stain hazy	
18	200.0 Gel-5 100.0 XcDy 500.0 W-213 10.0 BVSM 6.0 10G	Gel-55 Wico HAR-3179 FAC-0555	as O1		air bubbles no cracks	0.14	3.558	0.39	0.406	-1	slight bleed some crack on sides	almost no stain hazy	fair
55-3280	Bottom Layer (mg/12)	Material source	Top Layer (mg/12)	Material source	Ctg Quality						Image quality Epson 820	stain resistance 5 min. Poncau red	
1	no bottom layer		2830.0 Emilen (P/S), 763 mm, Calypso 575.0 W-320 50.0 GP-50-A(modified dimethyl silico 20.0 Zanyl FSN	COO125-76 Wico Denacase Polymer FAC-0029							good very little bleeding	no stain very slight haze	poor (delaminated)
2	200.0 Gel-4 100.0 XcDy 500.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1			0.29	7.112	0.65	0.816	-1	slight bleeding cracks in lused image	no stain very slight haze	
3	200.0 Gel-4 100.0 XcDy 500.0 W-320 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		cracks	0.22	6.688	0.51	0.841	1	slight bleeding hazy coating flaked off easily before using	no stain very slight haze fused sample is slightly haze	
4	300.0 Gel-4 408.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		cracks	0.32	8.128	0.75	0.933	1	slight bleeding cracks	no stain very slight haze	
5	200.0 Gel-4 600.0 W-213 6.0 BVSM 6.0 10G	Gel-9606 Wico HAR-3179 FAC-0555	as O1		fine cracks not obvious	0.16	4.064	0.37	0.466	1	slight bleeding cracks in high ink areas	no stain very slight haze	
6	400.0 Gel-4 450.0 W-320	Gel-9606 Wico	as O1		cracks	0.77	19.558	1.80	2.245	1	some bleeding cracks	no stain very slight haze	

Page 2 of 2